

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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WHIRLPOOL CORPORATION,

Plaintiff,

v.

Case No. 1:14-cv-1069

FREIGHT REVENUE  
RECOVERY OF MIAMI, INC., and  
RICHARD DAWSON, an individual,

Defendants.

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**STIPULATED JUDGMENT**

This matter is before the Court pursuant to the parties' stipulations set forth below:

1. This matter went to case evaluation on December 14, 2015.
2. This Court sent notice to all parties on January 13, 2016 that both sides had accepted the panel's case evaluation award.
3. Pursuant to this Court's Local Rule 16.5, the procedures set forth in Rule 2.403 of Michigan Rules of Court apply here.
4. Rule 2.403(M)(1) of Michigan Rules of Court states in pertinent part:

If all the parties accept the panel's evaluation, judgment will be entered in accordance with the evaluation, unless the amount of the award is paid within 28 days after notification of the acceptances, in which case the court shall dismiss the action with prejudice . . .

5. Defendant has not paid the accepted case evaluation award to date.
6. Accordingly, parties stipulate to and request the entry of a judgment consistent with the parties' accepted case evaluation award (Dkt. No. 58) and as required under Rule 2.403(M)(1) of the Michigan Rules of Court.

Respectfully submitted,

Dated: February 11, 2016

/s/ Lance Zoerhof

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Respectfully submitted,

Dated: February 11, 2016

/s/ Brent W. Boncher

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**JUDGMENT**

This action having been resolved among the parties by each party's acceptance of the case evaluation award, said award having been determined by the case evaluation panel on December 14, 2015, upon which no payment has been made, and the Court being otherwise fully advised in the premises;

IT IS THEREFORE ORDERED AND ADJUDGED that judgment is hereby entered in favor of Plaintiff and against Defendant Freight Revenue Recovery of Miami, Inc., in the amount of \$176,749, plus interest to accrue from this date through the satisfaction of Judgment at the rate provided by law; and no liability was assessed against Richard Dawson in his individual capacity.

This judgment resolves the pending claims against the current parties of record and closes this case.

Dated: February 16, 2016

/s/ Ellen S. Carmody  
ELLEN S. CARMODY  
U.S. Magistrate Judge

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